

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2413003
Decision Date:	10/23/2024	Hearing Date:	09/17/2024
Hearing Officer:	Thomas J. Goode		

Appearance for Appellant:
Mother

Appearance for MassHealth:
Sara Pedrone, Physical Therapist, Optum



*The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, Quincy, Massachusetts 02171*

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Durable Medical Equipment
Decision Date:	10/23/2024	Hearing Date:	09/17/2024
MassHealth's Rep.:	Sara Pedone, PT	Appellant's Rep.:	Mother
Hearing Location:	Remote	Aid Pending:	No

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through a notice dated July 18, 2024, MassHealth modified Appellant's prior authorization request for a pediatric crib by approving the Cubby Bed but denying the requested Technology Hub because its components are not durable medical equipment covered by MassHealth (130 CMR 450.204, 409.000 et seq., and Exhibit 1). Appellant filed this appeal in a timely manner on August 22, 2024 (130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth modified Appellant's prior authorization request for a pediatric crib by approving the Cubby Bed but denying the Technology Hub because its components are not durable medical equipment covered by MassHealth.

Issue

The appeal issue is whether pursuant to 130 CMR 450.204, 409.000 et seq., MassHealth was correct in modifying Appellant's prior authorization request for a pediatric crib by approving the Cubby Bed but denying the Technology Hub because its components are not durable medical

equipment covered by MassHealth.

Summary of Evidence

MassHealth was represented by a physical therapist who testified that a prior authorization request was submitted on Appellant's behalf by National Seating and Mobility for a Cubby Bed which was approved on July 18, 2024. MassHealth did not approve the Technology Hub requested consisting of a HD camera with night vision, motion and sound detection alerts, circadian light, speaker with pre-loaded sounds and other sensory and monitoring features (Exhibit 6, pp. 20-21). The MassHealth representative testified that the camera and accessories included with the Cubby Bed are not considered durable medical equipment as defined at 130 CMR 409.402 because a camera has other uses in the absence of disability, illness or injury and is therefore a non-covered service under 130 CMR 409.414(K)(L), and does not have a medical purpose. The MassHealth representative testified that the Technology Hub costs \$1,624, and totals \$2,111 with applicable markup (Exhibit 6, pp. 12-13). The MassHealth representative testified to Guidelines for Medical Necessity Determination for Hospital Beds, and identified codes listed for accessories to hospital beds which do not include the Technology Hub requested (Exhibit 6, pp. 24-28). The MassHealth representative added that the Technology Hub provides motion detection but does not provide clinical or neurological data regarding sleep patterns or alerts for seizure activity. MassHealth added that the approved bed accomplishes the goal of providing a safe sleeping space for Appellant and acknowledged that the Technology Hub would be a nice feature that would benefit caretakers; however, the Technology Hub is not durable medical equipment covered by MassHealth.

Appellant is █ years old and diagnosed with Autism Spectrum Disorder and Epilepsy. Appellant has a medical history significant for seizures, developmental delay, and sensory processing difficulties. Appellant's physical therapist states in a letter that the Technology Hub is medically necessary during the nighttime hours now that Appellant has a safe sleeping space, to assist in monitoring sleep patterns and any possible seizure activity that the family may not be aware of while sleeping, and to provide circadian light to create a more normative sleep-wake cycle to improve sleep hygiene, while also incorporating a Bluetooth camera built into the bed for uninterrupted monitoring. Appellant has had genetic testing which revealed abnormalities that include sleep difficulties as an issue. Appellant is on medication for seizures that affects her sleep patterns and has been denied the option of a sleep study due to her lack of sleep during nighttime hours (Exhibits 4, 5). Appellant's mother testified that Appellant does not sleep well and cannot be prescribed sleep medications until she is █ years old. Appellant's mother testified that the Technology Hub is medically necessary to keep Appellant safe while she is sleeping. She testified that the Cubby bed provides a safe sleep space, but she is not able to use a typical baby monitor because she is unable to see through the netting that surrounds the bed. She added that the Technology Hub would allow her and her family to sleep and better care for Appellant by detecting motion or seizure activity on her cell phone. She added that some data could also be used as part

of a sleep study. Appellant's mother added that she has tried many different things to help Appellant sleep without success, and the Technology Hub would provide sensory benefits and white noise that will help Appellant sleep.

Findings of Fact

Based on a preponderance of the evidence, I find the following:

1. A prior authorization request was submitted on Appellant's behalf by National Seating and Mobility for a Cubby Bed, which was approved on July 18, 2024. MassHealth did not approve the Technology Hub requested consisting of a HD camera with night vision, motion and sound detection alerts, circadian light, speaker with pre-loaded sounds and other sensory and monitoring features.
2. The Technology Hub costs \$1,624, and totals \$2,111 with applicable markup.
3. The Technology Hub does respond to motion but does not provide clinical or neurological data regarding sleep patterns or alerts for seizure activity.
4. Appellant is █ years old and diagnosed with Autism Spectrum Disorder and Epilepsy.
5. Appellant has a medical history significant for seizures, developmental delay, and sensory processing difficulties.
6. Appellant has had genetic testing which revealed abnormalities that include sleep difficulties as an issue.
7. Appellant is on medication for seizures that affects her sleep patterns and has been denied the option of a sleep study due to her lack of sleep during nighttime hours.
8. Appellant cannot be prescribed sleep medications until she is █ years old.
9. The mesh netting surrounding the Cubby Bed is transparent and has additional coverings that can be rolled up or down to create an opaque covering.

Analysis and Conclusions of Law

The regulations pertaining to MassHealth's coverage of durable medical equipment (DME) services are found at 130 CMR 409.000 et seq. MassHealth does not pay for products that are not considered DME (130 CMR 409.414(L)). DME is defined at 130 CMR 409.402 as:

equipment that (1) is used primarily and customarily to serve a medical purpose; (2) is generally not useful in the absence of disability, illness or injury; (3) can withstand repeated use over an extended period; and (4) is appropriate for use in any setting in which normal life activities take place, other than a hospital, nursing facility, ICF/IID, or any setting in which payment is or could be made under Medicaid inpatient services that includes room and board, except as allowed pursuant to 130 CMR 409.415 and 130 CMR 409.419(C).

Here, MassHealth modified Appellant's prior authorization request for a pediatric crib by approving the Cubby Bed as requested and denying the requested Technology Hub because its components are not durable medical equipment covered by MassHealth. The features of the Technology Hub include a video camera; alert systems for motion, sound, smoke, and carbon monoxide; a circadian light, a meditative breathing program, and a speaker that plays pre-loaded sounds. The MassHealth representative credibly testified that these features are not primarily used for medical purposes and are frequently used in the absence of disability, illness, or injury. Items such as night-time cameras and devices that play music or sounds are commonly available for retail purchase and are not among the accessories listed in MassHealth's guidelines for hospital beds.¹ Further, the manufacturer's images of the Cubby Bed submitted by MassHealth show see-through mesh netting with additional coverings that can be rolled up or down to create an opaque covering, which is sufficient evidence that the mesh netting surrounding the bed is transparent with the coverings rolled up (Exhibit 6, pp. 18-19). The MassHealth determination is supported by the hearing record. For the reasons set forth above, the Technology Hub does not meet the regulatory definition of DME, and it is therefore not a covered service under MassHealth regulations.

The appeal is DENIED.

Order for MassHealth

None.

¹ See Guidelines for Medical Necessity Determination for Hospital Beds effective July 1, 2019.

Notification of Your Right to Appeal to Court

If you disagree with this decision, you have the right to appeal to Court in accordance with Chapter 30A of the Massachusetts General Laws. To appeal, you must file a complaint with the Superior Court for the county where you reside, or Suffolk County Superior Court, within 30 days of your receipt of this decision.

Thomas J. Goode
Hearing Officer
Board of Hearings

MassHealth Representative: Optum MassHealth LTSS, P.O. Box 159108, Boston, MA 02215